

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ZACHARY NERO, JESSE W. SMITH,	:
PETER MALOUPIS, JOSÉ RAMIREZ, and	:
GILLES BOEVI, individually and on behalf of other	:
similarly situated individuals,	: Case No. 1:22-cv-01602
	:
Plaintiffs,	: <b>NOTICE OF MOTION</b>
	: <b>TO DISMISS</b>
	:
v.	: <b>ORAL ARGUMENT</b>
	: <b>REQUESTED</b>
UPHOLD HQ INC., a South Carolina corporation,	:
JUAN PABLO THIERIOT, aka J.P. THIERIOT, an	:
individual, and JOHN DOES 1–10, individuals,	:
	:
Defendants.	:
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**PLEASE TAKE NOTICE**, that, upon the accompanying Declaration of Benjamin D. Bianco, dated September 2, 2022, the exhibits attached thereto, and the Memorandum of Law in Support of Motion to Dismiss, dated September 2, 2022, and all pleadings and proceedings had herein, defendants Uphold HQ Inc. (“Uphold”) and Juan Pablo Thieriot, a/k/a J.P. Thieriot (“Thieriot”) (collectively, “Defendants”) will move this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6) for an Order: (a) dismissing the First Amended Class Action Complaint, filed on July 11, 2022 (Dkt. No. 21), by plaintiffs Zachary, Jesse W. Smith, Peter Maloupis, José Ramirez, and Gilles Boevi (“Plaintiffs”), as against Defendants, in its entirety for failure to state a claim; and (b) granting Defendants such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE**, that Defendants hereby request oral argument if this motion is contested.

Dated: New York, New York  
September 2, 2022

**MEISTER SEELIG & FEIN LLP**

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